

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEAN D. ANDERSON,

Plaintiff,

V.

ALLEN K. RICHARDS, et. al.,

Defendants.

CASE NO. C17-58 RSL-BAT

**ORDER ON DOC'S REQUEST TO
STAY MAKING VIDEO C.D.'S
AVAILABLE TO INCARCERATED
PLAINTIFF**

On September 6, 2017, the Court granted defendants' motion for order to make 41 video CD's labeled ANDER000218 through ANDER000258 available to Mr. Anderson, an inmate at Coyote Ridge Corrections Center. Dkt. 26. On October 4, 2017, non-party the Department of Corrections ("DOC") moved to stay the Court's order. Dkt. 32. DOC contends it is unduly burdensome to make the 41 CD's available to Mr. Anderson, and it is DOC's "understanding that Defendants intend to greatly decrease the amount of footage it intends to provide the Court." Dkt. 32 at 1. As relief, DOC asks the Court to stay its order to:

provide the parties with the opportunity to try to limit the amount of items Anderson may need to review. If the parties cannot come to an agreement, the Department may move to strike or limit the Court's current order.

Id. at 2-3. Neither Mr. Anderson nor Defendants have responded to DOC’s motion, which is noted today for the Court’s consideration.

The Court understands how making the 41 CD's available to Mr. Anderson may be burdensome, but cannot grant the motion as presented because it is too open-ended. Accordingly the Court **ORDERS:**

1. Defendants and Plaintiff shall confer to determine whether all 41 CDs contain relevant information about this case, or not. Defendant shall file a joint statement stating whether the number of CDs can be reduced, or not. If they can, Defendants shall resubmit to DOC, as soon as practicable, the pared down set of CDs for Mr. Anderson's viewing. The parties' joint statement shall also indicate whether the provision of the CDs will cause delay and the need to reset the discovery and other deadlines previously set in this case. **The parties' joint statement shall be filed by November 3, 2017.**
2. If a pared down set of CDs is submitted, Coyote Ridge Corrections Center is to make this new set of CDs available to Mr. Anderson for viewing at the appropriate time and place of Coyote Ridge Correction Center's choosing.
3. In the event the parties believe all 41 CDs must be made available to Mr. Anderson, the parties shall file supporting memos explaining why this is so, i.e., why the CDs are material and relevant to the case. Defendants shall file a memo by November 9, 2017. Mr. Anderson's memo is due November 16, 2017. Any opposition by DOC to the parties' contention that all 41 CDs be provided shall be filed by November 22, 2017.
4. The Court **DENIES** DOC's blanket motion, Dkt. 32, for a stay of the Court's order, Dkt. 26, without prejudice. DOC does not contend Mr. Anderson should be denied access to all CDs. There is thus no reason DOC has not begun to make the CDs available. The Court also notes it appears the burdens DOC faces may be addressed by time. Six weeks have passed since the Court ordered DOC to make the CDs available. The Court assumes Mr. Anderson has viewed some of the CDs since then, and that he continues to have the opportunity to view them.
5. The Clerk shall provide a copy of this order to all parties and DOC.

DATED this 20th day of October, 2017.

BRIAN A. TSUCHIDA
United States Magistrate Judge